

DAS  
#5



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application Number : 09/898,750 Confirmation No.: 7451  
Applicant : Wetmur, James G., *et al.*  
Filed : July 03, 2001  
Title : NUCLEIC ACID DISPLACER COMPOSITIONS AND CELLS  
COMPRISING SAME  
TC/Art Unit : To be Assigned  
Examiner: : To be Assigned

Docket No. : Enz-49(P2)(C)  
Customer No. : 21967

**RECEIVED**

OCT 14 2004

**OFFICE OF PETITIONS**

Mail Stop: Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

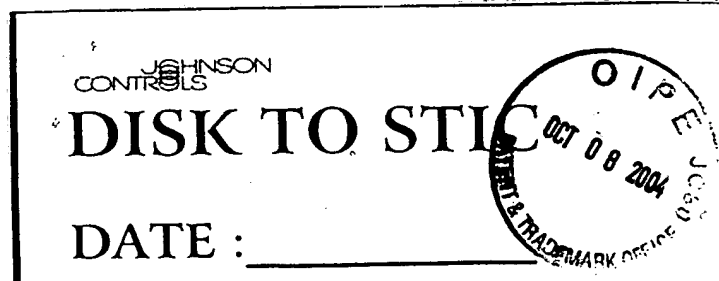
**PETITION FOR REVIVAL OF AN APPLICATION FOR  
PATENT ABANDONED UNINTENTIONALLY  
UNDER 37 CFR 1.137(b)**

Sir,

The above-identified application became abandoned for failure to file a timely and proper reply to a "Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures", mailed August 08, 2001 (hereinafter "the Notice"). The date of abandonment is October 08, 2001 (*i.e.*, the day after the expiration date of the period set for reply in the Notice).

Applicant hereby petitions for revival of this application. As required, this Petition includes herewith: (1) Petition Fee; (2) Required Reply; and (3) Statement that the entire delay was unintentional.

Applicant includes herein the Petition Fee, under 37 C.F.R. § 1.17(m). Applicant claims small entity status.



10/12/2004 FFANREIA 00000006 09898750 1370.00 0P  
01 FC:1453

The Reply to the above-noted Notice is enclosed herewith in the form of a Response to notice to comply with requirements for patent applications containing nucleotide sequence and/or amino acid sequence disclosures (hereinafter "the required reply").

As this utility application was filed after June 8, 1995, no terminal disclaimer is required.

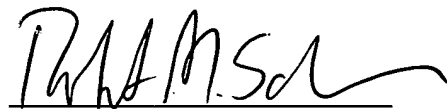
Applicant hereby states that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional.

Respectfully submitted,

HUNTON & WILLIAMS LLP

Dated: October 8, 2004

By:



Robert M. Schulman  
Registration No. 31,196  
Robert C. Lampe III  
Registration No. 51,914

HUNTON & WILLIAMS LLP  
1900 K Street, N.W.  
Washington, D.C. 20006  
Telephone (202) 955-1500  
Fax: (202) 778-2201

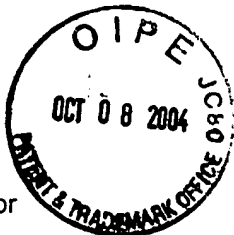


## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/898,750	07/03/2001	James G. Wetmur	Enz-49(P2) (C)

Ronald C. Fedus, Esq.  
 Enzo Therapeutics, Inc.  
 c/o Enzo Biochem, Inc.  
 527 Madison Avenue, 9th Floor  
 New York, NY 10022



CONFIRMATION NO. 7451

ABANDONMENT/TERMINATION  
 LETTER

RECEIVED

\*OC000000012867116\*

OCT 14 2004

OFFICE OF PETITIONS

Date Mailed: 06/04/2004

## NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 08/08/2001.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

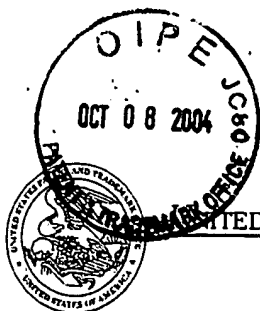
Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

*M. Young*  
 Customer Service Center  
 Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



RECEIVED  
8/2/03

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/898,750	07/03/2001	James G. Wetmur	Enz-49(P2) (C)

CONFIRMATION NO. 7451

FORMALITIES LETTER



\*OC00000006398425\*

RECEIVED

OCT 14 2004

Date Mailed: 08/08/2001

OFFICE OF PETITIONS

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS  
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE  
DISCLOSURES**

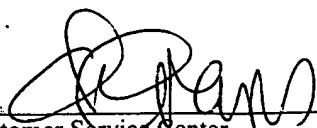
-Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

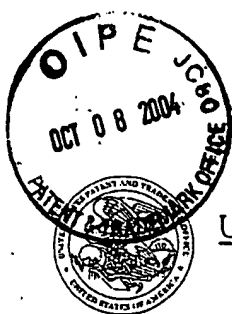
*A copy of this notice **MUST** be returned with the reply.*

A handwritten signature in black ink, appearing to read "R. Ram", is written over a horizontal line.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

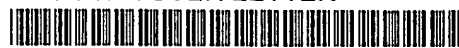
APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/898,750	07/03/2001	James G. Wetmur	Enz-49(P2) (C)

Ronald C. Fedus, Esq.  
Enzo Therapeutics, Inc.  
c/o Enzo Biochem, Inc.  
527 Madison Avenue, 9th Floor  
New York, NY 10022

RECEIVED  
8/21/03

CONFIRMATION NO. 7451

RESEND COVER LETTER



\*OC000000010719576\*

Date Mailed: 08/19/2003

## COVER LETTER FOR RESENDING CORRESPONDENCE

A courtesy copy of the Notice mailed on 08/08/2001 is enclosed. The time period for reply continues to run from the mail date of that Notice.

RECEIVED  
OCT 14 2004  
OFFICE OF PETITIONS

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202  
PART 1 - ATTORNEY/APPLICANT COPY